

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/8/24
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EMILIANO ALCANTARO SERVERINO,	:	
	:	
Plaintiffs,	:	
-against-	:	
	:	24-cv-7494 (VEC)
	:	
CHRISTOPHER MICHAEL DOURADO and	:	<u>ORDER</u>
ALEXI DELACRUZ TRANSPORTATION LLC,	:	
	:	
Defendants.	:	
-----	:	
	X	

VALERIE CAPRONI, United States District Judge:

WHEREAS on September 4, 2024, Plaintiff filed a Complaint against Defendants Christopher Michael Dourado and Alexi Delacruz Transportation LLC in the Supreme Court of the State of New York, Bronx County, *see* Dkt. 9-1 (“Compl.”);

WHEREAS Plaintiff alleges that Defendants were negligent in a motor vehicle collision, causing injury to Plaintiff, *id.* ¶¶ 32–38;

WHEREAS on October 3, 2024, Defendants removed the case to this Court, *see* Not. of Removal, Dkt. 1;

WHEREAS Defendants, as the parties invoking federal court jurisdiction, bear the “burden to establish the existence of diversity jurisdiction,” *Platinum-Montaur Life Scis., LLC v. Navidea Biopharmaceuticals, Inc.*, 943 F.3d 613, 618 (2d Cir. 2019);

WHEREAS Defendants alleged in the removal petition that this Court has subject matter jurisdiction based on diversity, *see* Not. of Removal, Dkt. 1;

WHEREAS “a limited liability company has the citizenship of its members,” *see Jean-Louis v. Carrington Mortg. Servs., LLC*, 849 F. App’x 296, 298 (2d Cir. 2021);

WHEREAS, unless already alleged in the Complaint, if a party is a limited liability company, a removal petition premised upon diversity of citizenship must allege the citizenship of natural persons who are members of the LLC and the place of incorporation and principal place of business of any corporate entities that are members of the LLC (including the citizenship of any members of the LLC that are themselves LLCs), *see Platinum Montaur Life Scis.*, 943 F. 3d at 618-19;


WHEREAS the Complaint alleges that Defendant Alexi Delacruz Transportation LLC is a limited liability company that is incorporated under the laws of the State of Rhode Island and has a principal place of business in Rhode Island, *see* Compl. ¶¶ 7, 8; and

WHEREAS neither the Complaint nor the removal petition alleges the members of Defendant Alexi Delacruz Transportation LLC nor makes any allegations as to the citizenship of any of its members;

IT IS HEREBY ORDERED that by not later than **Tuesday, October 15, 2024**, Defendants must either (a) file an amended notice of removal that provides adequate factual allegations to show that the jurisdictional threshold has been met or (b) show cause why this case should not be remanded for lack subject matter jurisdiction.

SO ORDERED.

Date: October 8, 2024
New York, New York



VALERIE CAPRONI
United States District Judge